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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,297	01/25/2002	Gerhard Josef Karl Weusthof	TTH 0112 PUS	9772
22045	7590	12/28/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			ALIE, GHASSEM	
		ART UNIT	PAPER NUMBER	
		3724		

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,297	WEUSTHOF ET AL.	
	Examiner	Art Unit	
	Ghassem Alie	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) 4,5,14-16 and 18 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3, 6-13, and 17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 January 2002 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6, 8, 13, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Peot et al. (2002/0170404), hereinafter Peot, or Kelly (5,862,727) in view of Osenbruggen (WO 99/02310) and Takano (6,153,957). Regarding claim 1, Peot teaches a laser arbor 42 for a saw 10 having a spinal that 44 that rotates a saw blade 12 relative to a non-rotating portion of the saw 10. Peot also teaches that the arbor includes a housing, a laser light disposed at least in part within the housing. Peot also teaches a circuit electrically connected to the laser for providing power to the laser. Peot also teaches that the circuit provides power from a voltage source 70. See Figs. 1-6 in Peot. Kelly also teaches a laser arbor 10 for a saw having a spinal 32 that rotates a saw blade 28 relative to a non-rotating portion of the saw. Kelly also teaches that the arbor includes a housing, a laser light 34 disposed at least in part within the housing. Kelly also teaches a circuit electrically connected to the laser 34 for providing power to the laser 34. Kelly also teaches that the circuit provides power from a voltage source 46. See Figs. 1-6 and col. 3, lines 1-51 in Kelly. Poet or Kelly does not teach that the voltage source includes a portion secured to the non-rotation portion of the saw. Osenbruggen teaches a cutting tool 200, 1100 which has an emitting light 204, 906 to illuminate the surface of the workpiece to be cut. Osebbruggen also teaches that the voltage source for the lamps can be supplied from an inductor assembly

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connected to the power tool or the saw. See page 13, lines 11-24 in Osebbruggen. As is well known in the art inductors work by a stator that is connected to the non-rotating part of a electric device and a rotor which is connected to a shaft of the electric device such as taught by Takano. Takano teaches an electric generator that has a rotor 14 which is connected to a shaft 27 and a stator 13 which is connected to the non-rotating part 12 of the generator. See Figs 1-7 and col. 3, lines 18-56 in Takano. Takano's generator can be used to provide power for the emitting light of a cutting assembly as suggested by Osebbruggen. Therefore, It would have been obvious to a person of ordinary skill in the art to provide Peot's or Kelly's saw assembly with the arbor type generator such as taught by Takano in order to provide power to the emitting laser light of the arbor by using the rotary power of the shaft of the saw instead of a battery as suggested by Osebbruggen. Takano's generator has to can be connected to or combined with the Peot's or Kelly's arbor in order to provide power to the emitting laser. In addition, Official notice is taken that connection of non-rotating part of the generator to the non-rotating part of a device is well known in the art. For example, Chen (6,093,985) teaches that the non-rotary part of the generator is connected to the non-rotating part of a bicycle. The non-rotating part of the generator has to be connected to the non-rotating part of the saw in order to keep the non-rotating part still relative to the rotating part of the generator. Therefore, the non-rotating part of the saw can be connected to the housing of the saw or other non-rotating parts of the saw.

Regarding claim 2, Peot or Kelly as modified above teaches everything noted above including the circuit includes a generator, as taught by Takano, and the generator has a rotor 14 and a stator 13 associated with the non-rotating portion of the saw, whereby electrical

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energy is generated as the spinal rotates the rotor 14 relative to the stator 13. Takano's generator is part of the circuit that provides power to the laser light. See Fig. 1 in Takano.

Regarding claim 6, Peot or Kelly as modified above teaches everything noted above including that the circuit includes a power conditioning circuit that provide power within a predetermined voltage range to the laser. The generator provides the predetermined voltage to the laser.

Regarding claims 8 and 17, Peot or Kelly as modified above teaches everything in claims 1 and 2.

Regarding claim 13, Peot or Kelly teaches that the light is LED. See page 2, paragraph 29 in Peot and col. 3, lines 1-10 in Kelly.

3. Claims 3, 7, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peot or Kelly in view of Osenbruggen and Takano, as applied to claim 1, and in further view of Inariba (3,555,325). Regarding claim 3, Peot or Kelly as modified above teaches everything noted above including a magnet 33 connected to the rotor 14 and an arcuite coil 18 connected to the stator 13. See Fig. 1-3 in Takano. Peot or Kelly as modified above does not teach a permanent magnet secured to a fixed guard and the arcuate coil section connected to the spindle. However, the use of permanent magnet secured to the fixed guard and an arcuate coil connected to the section rotated by the spindle or rotor of a generator is well known in the art such as taught by Inariba. Inaribia teaches a generator having a permanent magnet 2 connected to the fixed guard 1, which also is a stator, and an arcuate coil 4 connected to the rotor or spindle 5. See Figs. 1-3 in Inariba. It would have been obvious to a person of ordinary skill in the art to provide Peot's or Kelly's generator as modified by above

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with the permanent magnet and stator and rotor arrangement as taught by Inariba as an alternative arrangement of the stator and rotor of the generator which does not change the function of the generator.

Regarding claim 7, Peot or Kelly as modified above teaches that the fixed guard 1 is part of the non-rotating portion of the saw. See Fig. 1 in Inariba. The fixed guard or the housing 1 is part of the stator which is connected to the non-rotating port of Poet's or Kelly's saw.

Regarding claim 9, Peot or Kelly as modified above teaches everything noted above including that rotor 5 is an electrical coil 4. See Fig. 1 in Inariba.

Regarding claim 10-12, Peot as modified above teaches everything noted above including that stator is an electrical magnet 2. See Fig. 1 in Inariba.

Response to Amendment

4. Applicant's arguments filed on 09/20/04 have been fully considered but they are not persuasive.

Applicant's argument that Poet or Kelly in view of Osenbruggen and Takana does not teach that the voltage source for the lamps is supplied by an inductor assembly or a generator is not persuasive. Poet or Kelly teaches a laser arbor for a saw having a spinal that rotates a saw blade relative to a non-rotating portion of the saw and the arbor includes a housing, a laser light disposed at least in part within the housing. Peot and Kelly also teaches a circuit electrically connected to the laser for providing power to the laser and the circuit provides power from a voltage source to the laser lights. Poet or Kelly does not teach that the voltage source has a portion secured to the non-rotating portion of the saw.

However, a generator, an inductor, or the like has a non-rotating portion that is secured to a frame, a device, or a tool. The use of a generator or the like as a voltage source for providing power to emitting lights or the like is well known in the art such as taught in Takana.

Osenbruggen teaches that the power source for the lights of an alignment system for a tool could be "the tool itself". Therefore, the tool itself may supply power to the lamps, not a battery pack or batteries. Osenbruggen also teaches that the power can be supplied to the lamps by an inductor assembly which eliminates the use of batteries as a power source for the lamps. As it is well known the inductor assembly also has a non-rotating portion. In addition, the use of power sources similar to an inductor assembly, such as a generator or the like, for supplying power to lamps or the like is well known in the art. In addition, it is well known to replace barriers or a battery pack as a power source with a generator or the like to eliminates the use of batteries. For example, Seki et al. (5,128,480) teaches a system that uses the rotational movement of a tool 10 for generating power for a lamp 23. See Figs. 1-7 and col. 3 lines 26-52 and col. 4, lines 1-52 in Seki. Schwaller (5,857,762) also teaches a generator 1 that uses rotational movement of a device to generate power for lamps 2, 3 and a rechargeable battery. See Figs. 1-8B and col. 6, lines 19-67 in Schwaller. Therefore, as discussed above, Takano's generator can be used to provide power for the emitting light of Poet's or Kelly's cutting assembly, as an alternative way to generate power for the emitting light in Poet's and Kelly.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Schwaller (5,857,762), Seki et al. (5,128,480), Liaw et al. (2002/0149945), Chiu (2003/0071464), Hegyi (4,648,610), Hicks (6,104,096), Clark (4,924,125), Wu et al. (2004/0194600) teach a generator for supplying power to a emitting light.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GA/ga

December 22, 2004


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